

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ALICIA KILLION,

Plaintiff,

vs.

Case No. 08-CV-0679-MJR

**ALLSTAR MOTORS, SCHMITT
CHEVROLET, INC., STATE FARM
COMPANIES FOUNDATION,
GENERAL MOTORS, INC., and
UNKNOWN CAR DEALER,**

Defendants.

MEMORANDUM AND ORDER

REAGAN, District Judge:

On September 30, 2008, Defendant General Motors removed the above-captioned action to this federal District Court (Doc. 8). The notice of removal claimed that federal subject matter jurisdiction lies in this action under the diversity statute, **28 U.S.C. § 1332**. Specifically, General Motors alleged that the two non-diverse defendants—Schmitt Chevrolet and State Farm—were dismissed by the state court. Additionally, General Motors argued that Allstar Motors was improperly joined because it does not exist and that the “unknown car dealer” is fictitious. The plaintiff has never contested these allegations or otherwise challenged subject matter jurisdiction in this Court.

However, the docket sheet continued to show Allstar Motors, Schmitt Chevrolet, State Farm, and the unknown car dealer as defendants in this action. On July 8, 2009, the Court entered an order providing Plaintiff with notice that Allstar Motors, Schmitt Chevrolet, State Farm, and the unknown car dealer will be dismissed unless proper action was taken by July 29, 2009 (Doc.

25). That date has passed, and the Plaintiff has taken no action.

Accordingly, the Court hereby **DISMISSES** the following defendants: Allstar Motors, Schmitt Chevrolet, State Farm, and the unknown car dealer. The only remaining defendant in this action is General Motors, Inc., and the Court stayed all proceedings as to General Motors on July 8, 2009. Consequently, this case will remain stayed until the parties notify the Court (and the Court enters an Order reflecting) that the bankruptcy proceedings have completed, or until this Court is notified that the claims may proceed with the approval of the bankruptcy court (*see* Doc. 24).

IT IS SO ORDERED.

DATED this 3d day of August 2009.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge